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PATENT  
Attorney Docket No.: YALE-039/01US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: John R. CARLSON *et al.*

Application No.: 10/601,309

Confirmation No.: 7963

Filed: June 23, 2003

Group Art Unit: 1649

For: NOVEL ODORANT RECEPTORS IN  
DROSOPHILA

Examiner: John D. ULM

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop Amendment**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**RESPONSE TRANSMITTAL**

1. Enclosed are the following documents in response to the Office Communication mailed July 13, 2006.

- ☒ Reply to Office Communication Regarding Non-Responsive Amendment and Supplemental Reply to Restriction Requirement
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Copy of Supplemental Information Disclosure Statement filed June 13, 2005
- ☐ Copy of Form PTO-1449 filed June 13, 2005
- ☐ Terminal Disclaimer
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

2. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

3. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	29	minus	29	0	x \$50 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$200 each=	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$ 0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

5. Fee Payment

- ☐ The Commissioner is hereby authorized to charge the total fee due of \$0.00 to Deposit Account 50-1283.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-1283.

Respectfully submitted,

**COOLEY GODWARD LLP**


Bonnie Weiss McLeod

Reg. No. 43,255

Dated: August 14, 2006

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**REPLY TO OFFICE COMMUNICATION REGARDING NON-RESPONSIVE  
AMENDMENT AND SUPPLEMENTAL REPLY TO RESTRICTION  
REQUIREMENT**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Delaney Street  
Alexandria, VA 22314

Sir:

This Reply is responsive to the Office Communication dated July 13, 2006, which indicates that Applicants' election filed April 5, 2006, is not fully responsive. According to the Office Communication, Applicants' elected the species of SEQ ID NO: 23, which is not listed in claim 30 as mentioned in the restriction requirement.

In response, Applicants hereby elect SEQ ID NO: 24, with traverse, for the reasons set forth in the Response filed April 5, 2006. SEQ ID NO: 24 is the amino acid sequence corresponding to the previously elected nucleic acid sequence, SEQ ID NO: 23, which is included in claim 29. Since no election requirement was set forth with respect to claim 29, Applicants respectfully request clarification as to whether a separate election is still required. If so, Applicants hereby elect SEQ ID NO: 23 as well, with traverse, for the reasons set forth in the response filed April 5, 2006.

If the Examiner has any questions concerning this Reply, he is invited to contact the undersigned.


Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted,

**COOLEY GODWARD LLP**

Dated: August 14, 2006  
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By:   
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